

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF MICHIGAN  
SOUTHERN DIVISION

JAMES PHILLIP COOPER,

Petitioner,

No. 08-CV-11839

vs.

Hon. Gerald E. Rosen

CAROL R. HOWES,

Respondent.

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ORDER ADOPTING MAGISTRATE JUDGE'S  
REPORT AND RECOMMENDATION AND  
DISMISSING PLAINTIFF'S HABEAS CORPUS ACTION

At a session of said Court, held in  
the U.S. Courthouse, Detroit, Michigan  
on June 25, 2010

PRESENT: Honorable Gerald E. Rosen  
Chief Judge, United States District Court

This matter having come before the Court on the May 17, 2010 Report and Recommendation of United States Magistrate Judge Paul J. Komives recommending that the Court deny Plaintiff's petition for a writ of habeas corpus and that this case, accordingly, be dismissed; and no timely objections to the Magistrate Judge's Report and Recommendation having been filed; and the Court having reviewed the Magistrate Judge's Report and Recommendation and the Court's file of this action and having concluded that, for the reasons stated in the Report and Recommendation, Plaintiff's petition for habeas corpus relief should be denied; and the Court being otherwise fully advised in the premises,

NOW, THEREFORE, IT IS HEREBY ORDERED that the Magistrate Judge's Report

and Recommendation of May 17, 2010 [**Dkt. # 11**] be, and hereby is, adopted by this Court.

IT IS FURTHER ORDERED that, for the reasons set forth in the Magistrate Judge's Report and Recommendation, Plaintiff's petition for habeas corpus relief **Dkt. # 1**] be, and hereby is **DENIED** and the above-captioned case, therefore, is **DISMISSED**. As also recommended by the Magistrate Judge,

IT IS FURTHER ORDERED that a certificate of appealability is **DENIED**.

IT IS FURTHER ORDERED that leave to appeal *in forma pauperis* is **DENIED**.

s/Gerald E. Rosen  
Chief Judge, United States District Court

Dated: June 25, 2010

I hereby certify that a copy of the foregoing document was served upon counsel of record on June 26, 2010, by electronic mail and upon James Cooper, #326217, Florence Crane Correctional Facility (ACF). 38<sup>th</sup> Fourth Street, Coldwater, Michigan, 39036 by ordinary mail.

s/Ruth A. Gunther  
Case Manager